

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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|-------------------------|---|---------------------------|
| LEONA WRIGHT, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 1:24-cv-02125-JPH-MKK |
| |) | |
| MCCORMICK AND SCHMICK'S |) | |
| (LANDRY'S), |) | |
| |) | |
| Defendant. |) | |

ORDER DENYING MOTION FOR RECONSIDERATION

Leona Wright brought this action on December 2, 2024, against her former employer, McCormick & Schmick, alleging workplace discrimination. Dkt. 1. McCormick moved for judgment on the pleadings, arguing that Ms. Wright's claim was barred as she had not filed within the ninety-day period after receiving her right to sue letter from the EEOC. Dkt. 14. Ms. Wright did not respond to that motion, and the Court granted it and entered final judgment. Dkts. 25, 26.

Ms. Wright has now filed a motion to reconsider and requests the Court vacate its dismissal of her case. Dkts. 27, 28.¹ She contends that her filing deadline was November 28, 2024, a federal holiday, and the courthouse was closed. Dkt. 27 at 1. She asserts that "[p]ursuant to Rule 6(a)(3), when a filing deadline falls on a weekend or legal holiday, the deadline is extended to the

¹ The filing at dkt. 28 is unsigned, while the filing at dkt. 27 is signed. Otherwise, the motions are the same in substance.

next business day that the court is open," and that she timely filed on the next business day, December 2, 2024. *Id.* at 1–2.

Federal Rule of Civil Procedure 6(a)(3) states that if a deadline falls on a legal holiday, "then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday." November 28, 2024, was Thanksgiving Day, a legal holiday. *See* Fed. R. Civ. P. 6(a)(6)(A). But the next business day would have been Friday, November 29, not Monday, December 2. Ms. Wright does not allege that the courthouse and clerk's office were also closed on Friday, nor does the Southern District of Indiana's court calendar indicate that the building was closed then. *See* United States District Court, Southern District of Indiana, Court Hours/Holidays, <https://www.insd.uscourts.gov/court-hoursholidays>. Consequently, it appears that Ms. Wright's December 2 filing would still be untimely.

Even if Ms. Wright could show that her filing was within the right-to-sue period, however, her motion for reconsideration would still be unavailing. Federal Rule of Civil Procedure 59(e) allows a party to move to alter or amend a judgment, as Ms. Wright seeks to do here, if there is "newly discovered material evidence or a manifest error of law or fact," so the court can "correct its own errors and thus avoid unnecessary appellate procedures." *Moro v. Shell Oil Co.*, 91 F.3d 872, 876 (7th Cir. 1996). But the rule is not "a vehicle for a party to undo its own procedural failures, and it certainly does not allow a party to introduce new evidence or advance arguments that could and should have


been presented to the district court prior to the judgment." *Moro*, 91 F.3d at 876.

Here, McCormick argued in its motion for judgment on the pleadings that Ms. Wright's filing was untimely. Dkts. 14, 15. Ms. Wright had the opportunity to respond and advance the argument that she had timely filed, but she did not. She cannot raise the argument for the first time in a motion for reconsideration after judgment is already entered. *See Moro*, 91 F.3d at 876; *United States v. Resnick*, 594 F.3d 562, 568–69 (7th Cir 2010) ("A Rule 59(e) motion does not provide [a litigant] an opportunity to remedy this procedural failure."); *Cehovic-Dixneuf v. Wong*, 895 F.3d 927, 932–33 (7th Cir. 2018) ("Having decided the motion . . . on the briefs and record before it, the district court was not required to vacate that decision to allow Wong to start all over again on the basis of arguments she could and should have made earlier" but raised for the first time in a motion for reconsideration).

For the above reasons, Ms. Wright's motion for reconsideration is **DENIED**. Dkts. [27], [28]. This case remains closed.

SO ORDERED.

Date: 8/18/2025


James Patrick Hanlon
United States District Judge
Southern District of Indiana

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